

REMARKS

Claims 1-15 are pending in the application.

Independent claim 1 has been amended to clarify the patentable subject matter and to advance the prosecution of the case. Support for the amended feature is found, for example, on page 5, line 10-15, and Fig. 7 of the instant specification. No new matter has been introduced by the requested amendment to Applicant's claims.

The amended feature in Applicant's claims clarifies that, for example, a master router in one virtual router indicates to each backup router to process packets of which host. As a result, load on each router can be adjusted through such indication of the master router.

Claims 1, 5 and 12 were objected to because of minor informalities. In response, claims 1, 5 and 12 have been amended to correct those informalities. Withdrawal of the objections is respectfully requested.

Claims 1 – 15 were rejected under 35 USC 112. In response, claim 1, as clarified above, particularly points out and distinctly claim the patentable subject matter per 35 USC 112. It is believed that claim 1 fully complies with the statute, and withdrawal of the rejection is requested. Claims 2 – 15 were rejected by virtue of their dependency from claim 1, and since claim 1 fully complies with 35 USC 112, claims 2 – 15 are also in full compliance with the statute. Withdrawal of the rejections is respectfully requested.

Claims 1 – 3, 5, 6, 14 and 15 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,397,260 (Wils). Claims 4 and 7 – 13 were rejected under 35 USC 103 as being anticipated by Wils in view of US Patent 6,754,220 (Lamberton). Applicant respectfully traverses the rejections for at least the following reasons.

Wils teaches load sharing among network routers. According to Wils, two or more routers on a network are configured as a load-sharing set of routers. In particular, the address space of source nodes on the network is partitioned into multiple non-overlapping subspaces, and different routers in the load-sharing set are associated with different subspaces. Further according to Wils, each router is configured with an identifier uniquely identifying the router in the load-sharing set.

During operation according to Wils, source nodes on the network broadcast address request messages, each message identifying a predetermined forwarding route and containing the source address of the broadcasting node. In response to each address request message, each router determines whether the source address in the message is within the address subspace associated with the router, and if so returns the router's identifier to the source node. In the patent, each source node maintains an association between the forwarding route and the identifier returned in response to its address request message.

Among other things, Wils fails to disclose "said assigned master router dynamically sets a packet condition for packets subject to routing to indicate packets of which end system are to be processed by the backup router, and transmit the packet condition to said backup router" as recited in Applicant's claim 1 (emphasis added). According to Wils, "the host creates an IP packet containing the IP address of the host as the source address and the IP address of the destination node as the destination address. The IP packet is transmitted using one or more layer-2 messages that each contains the MAC address of the sending host as the source address, and the MAC address of the default router as the destination address" (emphasis added; see col. 4, lines 20-24 of the patent).

In the present invention, contrary to Wils, the assigned master router sets a packet condition for transmission to select which backup router is to process the load. Hence, the disclosure in Wils cannot be properly analogized to Applicant's claimed subject matter, as the two operations are quite different from each other. The above feature of the present invention is not taught by Wils.

Furthermore, Wils fails to teach or suggest Applicant's feature of "said assigned master router dynamically sets a packet condition for packets subject to routing to indicate packets of which end system are to be processed by the backup router", as recited in claim 1 of the instant application (emphasis added). If Wils' source nodes, including hosts H1-H4, are analogized to Applicant's end systems, then it is clear that Wils discloses that source nodes transmit messages that identify which router is to be used for processing the load. In contrast to Wils, a master router determines which backup router is to process the packets, as recited in Applicant's claim 1. This feature of the present invention is not taught by Wils.

Furthermore, Wils fails to disclose "said assigned master router dynamically sets a packet condition for packets subject to routing to indicate packets of which end system are to be processed by the backup router, and transmit the packet condition to said backup router" as recited in claim 1 of the instant application (emphasis added). According to Wils, "if the selection function is a hash table, the Master looks up an index in the hash table using the source MAC address. If the result of applying the selection function is the index of the Virtual Router, (i.e., IA for VRA, IB for VRB), then the Master responds to the ARP request with the MAC address configured for the Virtual Router (i.e., MA for VRA, MB for VRB)" (emphasis added; see col. 7, lines 15-22 of the patent). This operation in Wils is quite different from the claimed feature of the present invention as discussed above.

According to MPEP section 2131, to anticipate a claim, the reference must teach every element of the claim. Since at least several elements of the present invention are clearly missing in the reference, it is respectfully submitted that Wils does not anticipate (or render obvious) Applicant's claim 1. Withdrawal of the rejection is respectfully requested.

Claims 2, 3, 5, 6, 14 and 15 depend, either directly or indirectly, from independent claim 1 and inherit all of its features. Since claim 1 is allowable as discussed above, at least for those reasons claims 2, 3, 5, 6, 14 and 15 are also allowable by virtue of their dependency and because they each add additional distinguishing features. Withdrawal of the rejections of claims 2, 3, 5, 6, 14 and 15 is, therefore, earnestly solicited.

Lamberton is relied upon only for those features that are additionally recited in dependent claims 4 and 7 – 13. Even if, for the sake of argument, it is assumed that Lamberton does teach those features, Lamberton fails to cure the deficiencies in Wils with respect to independent claim 1 because Lamberton is not relied upon in the Office Action to reject claim 1. Hence, the dependent claims 4 and 7 – 13 are allowable at least by virtue of its dependency and because they each add additional distinguishing features, as Lamberton fails to supplement Wils to cure its deficiencies. Withdrawal of the rejections of claims 4 and 7 – 13 is, therefore, earnestly solicited.

An earnest effort has been made to be fully responsive to the Examiner's rejections. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Passage of this application to allowance is earnestly solicited. However, if for any reason this application is not considered to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

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We respectfully request that all fees relating to this application be charged to Deposit

Acct. No. 50-1290.

Respectfully submitted,



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